

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DONNA ALDRICH, et al,

Case No. 13-cv-03711 RS

Petitioners,

**ORDER GRANTING PETITION TO
COMPEL ARBITRATION**

v.

PROSPECT MORTGAGE, LLC,

Respondent.

Petitioners seek to compel arbitration pursuant to provisions in their written agreements with respondent Prospect Mortgage, LLC. Pursuant to Civil Local Rule 7(1)(b), this matter is suitable for disposition without oral argument and the hearing set for October 7, 2013 is vacated.

The facts here are indistinguishable from those presented in *Aguilera v. Prospect Mortgage, LLC*, CV 2:13-05070 2013 WL 4779179 (C.D. Cal. Sept. 5, 2013). Although that decision is not binding, the well-reasoned and comprehensive analysis is persuasive. For the reasons explained in *Aguilera*, petitioners' prior participation in the *Sliger* collective action does not rise to a waiver of their right to compel arbitration, particularly in the absence of cognizable prejudice to Prospect.

Prospect's further argument, apparently not presented in *Aguilera*, that subsequent arbitration proceedings were not expressly contemplated in the *Sliger* de-certification stipulation is unavailing. There is no reason the stipulation would need to list arbitration as a specific available

1 forum to preserve petitioners' contractual rights to arbitrate the disputes. Finally, Prospect's
2 suggestion that a decision on this matter be postponed pending a decision from the MDL panel does
3 not present any compelling reason why such a delay would be warranted. Accordingly, the petition
4 to compel arbitration is granted. The Clerk shall close the file.

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7 IT IS SO ORDERED.

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9 Dated: 10/3/13

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RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE